

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

KAYCE WHITE,

Plaintiff,

v.

J. DOERER, et al.,

Defendants.

Case No. 1:24-cv-01186 JLT CDB (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS DISMISSING THE
ACTION WITHOUT PREJUDICE, AND
DIRECTING THE CLERK OF COURT TO
CLOSE THIS CASE**

(Doc. 9)

Kayce is a federal prisoner and seeks to hold the defendants liable for civil rights violations, based upon the conditions of lockdown that occurred at the United States Penitentiary-Atwater from August 9 to October 9, 2024. (*See generally* Doc. 4.) The magistrate judge ordered Plaintiff to show cause why the matter should not be dismissed for failure to exhaust administrative remedies (Doc. 7), and Plaintiff failed to respond to the order.

The magistrate judge found it was “clear on the face of the complaint that Plaintiff has failed to exhaust administrative remedies prior to filing suit as required under the Prison Litigation Reform Act.” (Doc. 9 at 2.) Although Plaintiff asserted that he was unable to access grievance forms, the magistrate judge found “no allegations to suggest this was anything other than a temporary unavailability.” (*Id.* at 3.) In addition, Plaintiff did not allege “any efforts by him to exhaust administrative remedies after the lockdown ended where thwarted.” (*Id.*, emphasis omitted.) Therefore, the magistrate judge recommended the Court dismiss “this action

1 without prejudice to Plaintiff's re-filing once his claims are exhausted." (*Id.* at 4.)

2 The Court served the Findings and Recommendations on Plaintiff and notified him that
3 any objections were due within 14 days. (Doc. 9 at 5.) The Court advised him that the "failure to
4 file objections within the specified time may result in the waiver of rights on appeal." (*Id.*, citing
5 *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).) Plaintiff did not file objections, and
6 the time to do so has passed.

7 According to 28 U.S.C. § 636(b)(1), this Court performed a de novo review of this case.
8 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations
9 are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 10 1. The Findings and Recommendations dated December 20, 2024 (Doc. 9) are
11 **ADOPTED** in full.
- 12 2. This action is **DISMISSED** without prejudice due to Plaintiff's failure to exhaust
13 administrative remedies.
- 14 3. The Clerk of Court is directed to close this case.

15
16 IT IS SO ORDERED.

17 Dated: **January 13, 2025**


UNITED STATES DISTRICT JUDGE